

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION	)	
and GENEVANT SCIENCES GmbH,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 22-252-JDW
v.	)	
	)	
MODERNA, INC. and MODERNATX, INC.,	)	
	)	
Defendants.	)	

**PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Plaintiffs Arbutus Biopharma Corporation and Genevant Sciences GmbH ("Plaintiffs") hereby move for summary judgment that (a) 28 U.S.C. § 1498(a) does not apply to Plaintiffs' claims for infringement concerning sales to the U.S. Government under the W911QY20C0100 Contract; and (b) that the following patents and claims are not indefinite:

- Asserted claims of U.S. Patent Nos. 9,364,435; 8,492,359; and 11,141,378;
- U.S. Patent No. 9,504,651 for all asserted claims other than Claim 9;
- Claim 9 of U.S. Patent No. 9,504,651 with respect to Moderna's defense that the Claim is indefinite for "fully encapsulated;" and
- Claim 9 of the '651 patent with respect to Moderna's defense that the Claim is indefinite for "at least [about] 70% [/80%/90%] of the mRNA . . . is fully encapsulated."

Pursuant ¶ 4 of the Court's Order of June 25, 2025 (D.I. 485), the grounds for this motion are set forth in Plaintiffs' answering brief in opposition to Moderna's motions for summary judgment, Plaintiffs' Affirmative Statement of Uncontested Facts and Plaintiffs' Counterstatement of Facts.

WHEREFORE, Plaintiffs respectfully ask the Court to grant this motion and enter the attached proposed order.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2025, this document was served on the persons listed below in the manner indicated:

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